

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **James E Frye v Consolidated Rail Corp**
Docket No. **276834**
L.C. No. **02-239279-NO**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal from the December 19, 2006 order granting summary disposition in defendants' favor is **DISMISSED** for lack of jurisdiction since appellant failed to file his motion for reconsideration within 21 days as required by the January 2, 2007 order granting his motion for additional time to file the motion. MCR 7.202(6)(a)(i), 7.203(A)(1), and 7.204(A)(1)(b). Even if appellant had filed the motion within the time allotted, this Court would still lack jurisdiction over the appeal since appellant failed to file his claim within 14 days of being properly served with the order denying the postjudgment motion. MCR 7.204(A)(3). If appellant still wants to challenge this order, he must file a delayed application for leave to appeal. MCR 7.203(B)(5) and 7.205(F)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 29 2007

Date

Sandra Schultz Mengel

Chief Clerk